

Amendment No. 1 to HB2462

White
Signature of Sponsor

AMEND Senate Bill No. 2784

House Bill No. 2462*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-3001(c)(4), is amended by designating the existing language as subdivision (A) and adding the following as a new subdivision (B):

(B) Notwithstanding subdivision (c)(4)(A), a parent or guardian of a student who has accumulated five (5) or more days of unexcused absences during the school year, and who is subject to the LEA's progressive truancy interventions in § 49-6-3007:

(i) May withdraw the student from school during the school year if the withdrawal occurs in the first thirty (30) days of a school semester; and

(ii) Shall not withdraw the student from school at any time other than the first thirty (30) days of a school semester unless:

(a) The student's place of residence changes;

(b) The student is seeking to withdraw for transfer to another school or LEA pursuant to a local board of education's open enrollment policy or out-of-district transfer policy; or

(c) The director of schools and the student's parent or guardian determine that withdrawing from school is in the student's best interest.

SECTION 2. Tennessee Code Annotated, Section 49-6-3004, is amended by adding the following as a new subsection:

(i)

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(1) An LEA may, if necessitated by the COVID-19 pandemic that began during the 2019-2020 school year, develop a continuous learning plan (CLP) to allow the LEA to meet the school calendar and classroom instruction requirements of subsection (a) utilizing remote educational instruction strategies to protect the health and safety of students, staff, and the community. A CLP developed by an LEA pursuant to this subsection (i) must be submitted to, and approved by, the department of education prior to implementation in the 2020-2021 school year or in any subsequent school year.

(2)

(A) The state board of education shall, in consultation with the department, promulgate rules in accordance with this subsection (i) and the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to establish guidelines and requirements for CLPs.

(B) The guidelines and requirements must give LEAs the flexibility to develop a CLP that allows the LEA to implement remote educational instruction strategies or a mix of in-person educational instruction and remote educational instruction strategies throughout the LEA, by school, by grade, or for individual students.

(C) Notwithstanding § 4-5-208(a), the state board of education may promulgate emergency rules to establish the guidelines and

requirements necessary for an LEA to develop a CLP for the 2020-2021 school year and to submit that CLP to the department for approval.

(3) The department shall determine whether a CLP is necessary due to the COVID-19 pandemic that began during the 2019-2020 school year, and whether the LEA's submitted CLP complies with the rules and requirements established in, and pursuant to, this subsection (i).

(4) The state shall not reduce the level of state or federal funding that an LEA would otherwise be eligible to receive due to the LEA's implementation of a CLP that has been developed and approved according to the rules and requirements established in, and pursuant to, this subsection (i).

(5) A CLP must meet the requirements of all applicable state and federal civil rights and special education laws, including, but not limited to, the Individuals with Disabilities Education Act (20 U.S.C. § 1400, et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d, et seq.), and Title IX of the Education Amendments of 1972, (20 U.S.C. § 1681).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to the 2020-2021 school year and each school year thereafter.